

Dear Mayor and Members of the Ross Town Council:

Re: 78 Shady Lane, Ross

We support the comments made at their meeting on April 15, 2025 by ADR members J. Buckingham and L. Dewar referencing the pool/spa and kitchen setback variances:

Specifically from ADR member J Buckingham:

“I just find it is too much on a lot and it really strikes me as kind of a mockery of all of our setback rules; that they are a bit meaningless if we approve this.”

“If you buy a smaller piece of property, you are constrained by the size of property that you bought.”

“The one finding I can say is that it is bordered on two sides by a driveway” (note: the fact is it is bordered by a driveway on just one side; she incorrectly read the plan).

“I am a very lukewarm ok to go to Town Council; I don’t feel very positive about it, just to be honest.”

Specifically from ADR member L Dewar:

“Is it appropriate for the space available in the yard between all of the buildings that exist there, even taking away the setbacks, which it’s not?”

“Read through notes on why they should get a variance because it is a substandard size lot – it’s already gotten a variance for that reason – and so it should basically get like endless variances?”

“I don’t really see what the findings are for the variance.”

“I guess I am yes because I am recommending you take it to Town Council so they can find the findings for the variance”

Our comments:

In her application, the applicant neglects to point out that the real need for setback variances is due to their self-imposed hardship of overbuilding the lot and repositioning the L-shaped ADU from the January 2023 approved site plan.

Instead, the applicant states that the finding is that she was previously given a variance. Should this property get “endless variances” because they were granted one? That is not a **Code** finding.

The facts are: 1) The required special circumstance finding for a variance is related to lot size, shape, topography, location, or surroundings, NOT due to where structures have previously been constructed on the lot; AND 2) granting more variances on this lot would be a grant of special privileges. This property was a 2 bedroom/2 bath property with a carport. It is now a new 3 bedroom, 3 ½ bath, new garage, and a new 2 bedroom/2 bath ADU. *The overbuilding on this small lot damages neighboring properties, regardless of the inhabitants of these residences.*

Respectfully submitted,

Cheryl and Dennis Untermann  
1 Locust Avenue (next door neighbor)